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08/478,688 06/07/95 YAMAZAKI

S 35.C10698

EXAMINER

MACK, R

25M1/0624

FITZPATRICK CELLA HARPER & SCINTO  
277 PARK AVENUE  
NEW YORK NY 10172

ART UNIT

PAPER NUMBER

6

2516

DATE MAILED:

06/24/96

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined. ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire THREE (3) month(s), --- days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- ☒ Notice of References Cited by Examiner, PTO-892. ✓
- ☒ Notice re Patent Drawing, PTO-948. ✓
- ☒ Notice of Art Cited by Applicant, PTO-1449. ✓
- ☐ Notice of informal Patent Application, Form PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ \_\_\_\_\_

**Part II SUMMARY OF ACTION**

- ☒ Claim(s) 1-10 are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ has been canceled.
- ☐ Claim(s) \_\_\_\_\_ is allowed.
- ☒ Claim(s) 1, 3, 4 and 10 are rejected.
- ☒ Claim(s) 2 and 5-9 are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawing(s) under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawing(s) are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction(s), filed on \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation).
- ☒ Acknowledgment is made of the claim for priority under 35 USC 119. The certified copy has ☒ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

### **Part III DETAILED ACTION**

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which papers have been placed of record in the file.

#### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 112***

4. Claims 3 and 10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 3 and 10, the phrase "has variable optical power *depending* upon the azimuthal angle." is indefinite because it is not a positive limitation.

5. Claim 4 is rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. MPEP § 706.03(f).

The structure regarding  $\alpha$ , of claim 4, is unclear with respect to independant claim 1.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Letovsky (5006072).

Letovsky discloses, as in claim 1, a display means (324) for forming information/*images*; optical means for guiding the light from the display means to the eye and comprising a curved face for totally reflecting the light (see figures 13-18).

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Iba (5384654).

Iba discloses, as in claim 1, a display means (42) for forming information/*images*; optical means for guiding the light from the display means to the eye (11) and comprising a curved face for totally reflecting the light.

10. Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Togino (5436765).

Togino discloses (Abstract, Fig. 1), as in claim 1, a display means (1) for forming information/*images*; optical means for guiding the light from the display means to the eye (5) and comprising a curved face for totally reflecting the light.

11. Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Togino (5513041).

Togino discloses (Abstract, Fig. 1), as in claim 1, a display means (1) for forming information/*images*; optical means for guiding the light from the display means to the eye and comprising a curved face for totally reflecting the light.

12. Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Ansley (5416876).

Ansley discloses, as in claim 1, a display means for forming information/*images*; optical means for guiding the light from the display means to the eye and comprising a curved face (82) for totally reflecting the light (see figures 1 and 2).

13. Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Yasugaki (5479224).

Yasugaki discloses, as in claim 1, a display means (21) for forming information/*images*; optical means (22-25) for guiding the light from the display means to the eye (26) and comprising a curved face (25) for totally reflecting the light.

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14. Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Anderson (5483307).

Anderson discloses, as in claim 1, a display means (11) for forming information/*images*; optical means (12-19) for guiding the light from the display means to the eye and comprising a curved face (18) for totally reflecting the light.

*Allowable Subject Matter*

15. Claims 2 and 5-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky Mack whose telephone number is (703) 305-6984.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

The Group 2500 fax machine number is (703) 308-7724.

*R. Mack*

Ricky Mack  
Examiner AU2516  
June 19, 1996

*Georgia Y. Epps*  
*6/19/96*

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SUPERVISORY PATENT EXAMINER  
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